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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,631

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Senichi Takagi

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EXAMINER

SAFAVI, MICHAEL

ART UNIT

PAPER NUMBER

3637

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/709,631	Applicant(s) TAKAGI ET AL.	
	Examiner M. Safavi	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/19/08</u> . | 6) <input type="checkbox"/> Other: _____ |

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 15, 2008 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 4, and 6-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not appear to have originally disclosed "a second diagonal rib...formed within the other of said two hollow projecting sections is formed axisymmetrcial to said diagonal rib formed within said projecting section". The specification is, otherwise, not clear and complete as to what or how a diagonal rib is formed axisymmetrcial to said diagonal rib formed within said projecting section.

Applicants' arguments with regard to the above rejection have been reviewed. However, the disclosure as originally filed does not set forth "a second diagonal rib...formed within the other of said two hollow projecting sections is formed axisymmetrical to said diagonal rib formed within said projecting section". It is not clear as to what Applicant is basing the support for the above limitation in question.

Applicant does reference Fig. 8 of the instant disclosure. But, there appears no specific description of dimensions presented within the instant specification setting forth any axis of Fig. 8. Further, Fig. 8 appears to the examiner to present a wider or thicker hollow projecting section at the lower part of Fig. 8 than at the upper part of Fig. 8. Thus it is not seen that the disclosure as originally filed provides support for "second diagonal rib formed within the other of said two hollow projecting sections is formed axisymmetrical to said diagonal rib formed within said projecting section".

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, and 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, it is not clear as to what is being defined by the language recited within lines 8-10. The language recited within lines 8-10 of claim 1 does not appear to set forth a modification of the "one of said width side surfaces..." Further, line 13 recites "one of said width side surfaces of which is provided on said sheathing surface". Would this be

the same as the “one of said width side surfaces...” recited within line 8 of claim 1? In any event, lines 13-15 present the same ambiguity as the recitation within lines 8-10. In other words, lines 8-10 and lines 13-15 present an article, (i.e., “one of said width side surfaces...”), but fail to further set forth any features of the article.

Lines 19-24, it is not clear as to what is being defined by “said second diagonal rib...is formed axisymmetrical to said diagonal rib formed within said projecting section provided on said sheathing section side, with a line as a symmetric axis...passing an intermediate point between said first diagonal rib...and said second diagonal rib”. The specification does not appear clear and complete with respect to any such relationship.

Lines 25-27 of claim 1 are not, at all, clear. Lines 25-27 of claim 1 appear to state that hollow portions of both hollow projections and the hollow side panel are connected, but then goes on to state that they are divided. Such language appears to define a configuration opposite a subsequently recited configuration.

Applicants’ remarks concerning lines 25-27 of claim 1 have been reviewed however, it is not seen that the hollow portion of the hollow projecting sections particularly, the upper hollow projecting section of Fig. 8 is divided by the diagonal rib 63 or 65. More particularly, the upper hollow projecting section of Fig. 8 does not appear divided by the diagonal rib 63, (see the above remarks concerning axisymmetrical). Secondly, it is not seen that a hollow portion of the side panel section is connected to a hollow portion of each of the two hollow projecting sections, (i.e., how is one hollow portion of the side panel section connected to two different hollow portions of the two hollow projecting sections?).

In any event, even if the hollow projecting sections possess a hollow portion above as well as below the diagonal rib, (as appears in Applicants' illustration on page 9 and apparently page 10 of the response), the hollow portions that are presumably connected are not shown as divided in the same illustrations. In other words, the hollow portion of the hollow side panel section and the respective hollow portion of the two hollow projecting sections that are connected are not themselves divided by either of the respective diagonal ribs otherwise, any hollow portion might be considered as connected to any other hollow portion no matter what ribs or walls lie between them. Further, Applicants' illustration sets forth a hollow portion of the hollow sheathing section when it is the hollow portion(s) of the hollow side panel section that is recited within lines 25-27 of claim 1. To this end it is noted that claim 1 presents the hollow side panel sections as extending from the sheathing section "on a side of said sheathing section opposite to said concrete placing surface". However, with such a definition of the hollow side panel sections there can only be one "hollow projecting section" extending from any given "hollow side panel section". See for example, lines 5-7 in claim 1. See, also, lines 8-10 of claim 1. In light of the above, the metes and bounds of the language of claim 1 is not understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3637

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, and 6-10, as best understood, are rejected under 35

U.S.C. 102(b) as being anticipated by Japanese reference 7-207930 (JP '930).

JP '930 discloses, Fig. 1, a form panel 10 having hollow sheathing sections (20, 22, 14?), bent out at right angles extending opposite to a facing side 12 of the panel. Two hollow projections can be seen as within 20b. A diagonal rib 22 is provided within each hollow section.

Response to Arguments

Applicant's arguments with regard to the language of claim 1 have been reviewed. Reference is made to the examiner's remarks presented above with respect to rejections under 35 U.S.C. § 112.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Safavi/
Primary Examiner, Art Unit 3637

M. Safavi
May 10, 2008